

## Rutland Weekly Globe.

FRIDAY, DECEMBER 15, 1876.

## COUNTING THE VOTE.

In view of the result of the presidential election—depending upon one vote—it becomes important to inquire and ascertain who is to count the votes. The constitution of the United States declares that "the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted." The whole authority to count the votes, at all, rests upon this provision. There is no other law, nor any rule of congress, upon the subject, and without some legislation the right depends solely upon the words quoted.

In 1865, on account of the situation of the southern states, the twenty-second joint rule was adopted, by which, it was provided, in substance, that when the vote of a state was objected to, it should not be counted until an affirmative vote of both houses of congress in its favor. That is to say, that if the vote of Louisiana should be objected to, it could not be counted except by a concurrent vote of the senate and house. This, if we remember aright, is the only attempt that has been made to regulate this matter of counting the vote to the extent of allowing either house to determine that a state should be disfranchised. This joint rule has been abrogated by the refusal of the senate, at the commencement of the present congress, to re-adopt it, so that we are absolutely without any legislation on the subject.

Who then shall count the vote? Chancellor Kent, one of the most eminent of American commentators, says, in speaking of this subject: "The constitution does not expressly declare by whom the votes are to be counted and the result declared. In the case of questionable votes, and a closely contested election, the power may be held important; and I presume, in the absence of all legislative provision on the subject, that the president of the senate counts the votes, and determines the result, and that the two houses are present only as spectators, to witness the fairness and accuracy of the transaction, and to act only if no choice be made by the electors."

Such would seem to be the only reasonable interpretation of the words used; and such, indeed, was the contemporaneous construction of it. The record of the first election of a president is as follows: "The president of the senate, elected for the purpose of counting the votes, declared to the senate, that the senate and house of representatives had met and that he, in their presence, had opened and counted the votes of the electors for president and vice-president of the United States; whereby it appears that George Washington was unanimously elected president." John Langdon who was then elected president of the senate "for the purpose of counting the votes," and who actually counted the vote, was one of the framers of the constitution, as were, also, a number of the other members of the senate; and after their and Chancellor Kent's construction of the constitution, we hardly think much newspaper discussion of the question would be profitable.

## OREGON TO DECIDE.

The result of the presidential election would seem to hang upon the way in which the disputed vote from Oregon is counted. Without that vote, Rutherford B. Hayes and Samuel J. Tilden each have one hundred and eighty-four electoral votes for president, and William A. Wheeler and Thomas A. Hendricks a like number of votes for vice president. We say this counting the votes of South Carolina, Florida and Louisiana for Hayes and Wheeler as we do those of Mississippi and Alabama for Tilden and Hendricks. We have then expressed our opinion of what would be the result of a fair and honest canvass of an honest count of the votes polled in a full, fair, free and honest election in these states, to leave any doubts of our position in reference thereto; but taking things as we find them, the election conducted as it was, the canvass made in the manner so often detailed, and the certificates of election based thereon, we see no way in which the votes of these states can be counted other than in the way indicated.

If it may be true, it is true, that by so counting the votes, we do not give a fair expression of the popular will in these states—but that is one of the misfortunes, the evils, of the system of electing a president. The laws, and very poor laws they are, seem to have been compiled with, and there is nothing but submission left, and every good citizen will believe, submit with the best grace he can. These electors all bear the proper certificate, under the broad seal of the state, and there is no mode known to our laws by which we can get back that certificate and seal, and inquire into the validity of their election, or question the legality of their acts.

We may say here, in passing, that these electors of president and vice-president—of the one and the other—are the only officers known to our laws, the validity of whose election cannot be inquired into. To the national and state legislatures is given the power to judge of the election, qualifications and returns of their own members, they can inquire into the legality of the election, the eligibility of the member, the honesty of the vote, &c., &c., and can, as they often do, arbitrarily accept or reject a member without regard to right, law or reason—and it is better so, than that a fraudulent election, a false count, a perjured return, or a bought certificate should be final and conclusive. So, too, the validity of the election of state, county and town officers, from the highest to the lowest, may be inquired into by quo warranto, and wrongs righted, and substantial justice done.

The counting boards—if we may so term the men who, in South Carolina, Florida and Louisiana, set or pretended to cast the votes of these states for Tilden and Hendricks; and the men who cast, or pretended to cast, the vote of Alabama for Hayes and Wheeler—however honestly they may have been elected, however dishonestly they may have been counted out, have not the shadow of any standing as presidential electors. The fact that they are without the proper certificate under the broad seal of the state, is final and conclusive as to their claim. To allow these votes to be counted would be a revolutionary act, and one which, we believe, will never be undertaken.

When we come to the case of Oregon, and attempt to apply these principles, we are met by several palpable absurdities at the outset. The regular board—that is the board about the election of a majority of

whom there is and can be no question—are without the certificate required by law, unless the official return of votes, showing their election, and certified to by the secretary of state under the broad seal of the state, should be taken to be such a certificate. If so, it will be all plain sailing; if not, they will be confronted, at the start, with the vote of another board, properly authenticated, and bearing the official manual of the governor and the broad seal of the state.

But taking the returns of "Grover's electors," as we may call them, it will appear that one man—and he never legally elected, but having the governor's certificate—presented himself into an electoral college, after the manner of our Vermont Aldrich, and proceeded to declare and fill vacancies, and cast the vote of the state. So that we have three men, neither of whom has the shadow of a right to act, neither of whom has received a majority, or claims to have received a majority of the popular vote, actually pretending to cast the vote of the state; while the very electors, actually elected, are without any certificate, attached to their vote, shows that a majority of the other college were duly and legally elected. It seems to us clear, as a matter of law—if, indeed, there is any law governing presidential election—that a comparison of the two certificates will show the illegality of the "Grover's" board. It may prove, however, that there is no power, even of making this comparison, that each return must be received or rejected on its face; if so, the middle is worse than ever, for it would seem to require an arbitrary act to do justice, and that the general rule, if applied, will give force to the usurpation of the governor.

## OREMATION.

A Serenely Heated Funeral—Preparations for the Ceremony—Capt. Henry S. Olcott to the Front.

The remains of Baron De Palm arrived at Washington, New York, on Wednesday, December 14th. The funeral was held at the residence of Capt. Henry S. Olcott, at 11th Street, New York, on Thursday, December 15th. The funeral was held at the residence of Capt. Henry S. Olcott, at 11th Street, New York, on Thursday, December 15th. The funeral was held at the residence of Capt. Henry S. Olcott, at 11th Street, New York, on Thursday, December 15th.

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## THE BROOKLYN FIRE.

Identifying Bodies—Aiding the Sufferers.

New York, Dec. 8.

The work of identifying the bodies of the victims of the Brooklyn fire was continued this forenoon. Several bodies were claimed at both the morgue and market to-day. One body, on which was a gold watch, was claimed by no less than seven persons. Among the bodies identified this forenoon were those of Angus McCullough and Joseph W. McKee. Mr. McCormick of Pacific street, identified the body of his lost, had only returned to Brooklyn from Buffalo a few days ago. A number of stores on the principal streets are closed and the doors bear the notice, "Closed in consequence of a death in the family." The total number of bodies found up to the present time is said to be 302, but there is a discrepancy between the number given by the police and the number given by the coroner. Many of the bodies can never be recognized, as the Market there is quite a small pile of arms, legs and pieces of flesh, and the workmen are still taking portions of the remains from the ruins. The bodies of two women are yet lying at the Market unidentified. The body of what was thought to be a woman was taken out of the ruins to-day. The police central office has been ordered, in mourning out of respect to officer McKee, and workmen are engaged in clothing the body in the same black garb. Many business houses in the main thoroughfares are also to be draped. Fire alarm bells resumed his investigation to-day.

## RELIEF FOR THE SUFFERERS.

At a meeting of theatrical people yesterday, to consider measures for the relief of the Brooklyn theatre sufferers, every theater and minor hall in New York and Brooklyn was represented, and a large number of star actors and actresses were present or represented; besides the cooperation of Ford's theaters in Baltimore and Washington was promised. A resolution was adopted asking every theatrical manager in the country to contribute the proceeds of one performance to the relief fund.

## MUSICAL SERVICES.

In the Brooklyn academy of music next Sunday are to be conducted by representatives of all denominations. Alderman Howley sent letters to Bishop Littlejohn (Episcopal), Rev. Dr. Cuyler, Dr. Henry Scudder, Rev. P. Putnam, Rev. A. Stewart, Rev. Dr. N. W. Lovejoy, Rev. Dr. R. B. Brandt, asking them to contribute to the committee this afternoon at 4 o'clock to make final arrangements.

## MEETING OF CITY CHURCH COUNCIL.

Fred. W. Lovejoy, leader of the Hanson place Baptist church, has called a meeting of all the choir singers in the city for this evening. It is expected that all the singers will attend the public funeral.

## BUYING THE DEAD.

The bodies of all who perished will be buried together in a plot near the Hill, in Greenwood cemetery, by the city, if it is so desired. Those who are unrecognized will, if it be so requested by relatives and friends, also be provided for.

## ACTION THAT COMES A TRIFLE TOO LATE.

At the boarder's meeting it was resolved that a special committee be authorized to take such steps as may result in the enforcement of laws and ordinances concerning burials, and to cause proper notice to be provided at all places of public assembly within the city.

## THE VICTIMS.

The list of missing as given at the police station is about 370, but the number of bodies removed is but 302, and according to the list of the police less than 320. The count, however, is undoubtedly too small, and resulted from failure to distinguish between fragments of different bodies. The number identified and removed thus far is 178.

## THE INVESTIGATION.

The investigation of the Brooklyn fire was resumed this afternoon by the fire marshal, E. M. Richardson testified: I was at the Brooklyn theatre Tuesday night in the gallery. I first saw the fire in the left hand side of the stage towards the footlights. Every one was on their feet in a moment. We saw men with poles trying to pull the fire down. Sparks were then falling. The actors were trying to get out of the theatre and some sat down. A movement then ensued and all rushed for the doors. The opening from the gallery to the stairs is about twelve feet and had no doors. On these was a mass of people there when I got to the door. In going down the first flight all were pushing but on their feet. The lights were up. At the first landing near the box office the lights went out. A man fell and I fell on top of him. Then it seemed that all who followed fell on that head. The place was dark and volumes of smoke came up. I was on my face but was familiar with the stairs and got out and went down. There was no balustrade or hand rail. I looked back from the street but saw no one coming out. I don't think anyone got down from the gallery after me. They were all piled up in a heap on the first landing. From the street car the box office there were no other stairs leading from the gallery. I went around to the stage door and it was shut and on fire. Then I came back to the front and police were clearing the street. Mr. Phillips and Mr. Lamb, the actors, told me the people were all out. The panic and want of better means of exit prevented people from getting out. I was about a minute extinguishing myself from the crowd. The joy or landing on the stairs caused the people to fall and there were so many they could not get up. I do not think that one hundred people out of four hundred or five hundred in the gallery got out.

## WILLIAM H. SMITH.

An actor who was employed by Mrs. Conway, testified: He was at the parquette door when the fire broke out; was on the stage about three weeks ago when "The long strike" was played, at which time the rubber connection of border lights in the third entrance caught fire but the excitement did not pass beyond a few people who stood around and the gas was shut off at once. If it had touched one of the borders then the result would have been the same as on Tuesday night. The witness was in the gallery on his second night. John E. Owens played in "Our boys" that night. An alarm of fire occurred; there was a movement of the people when Murdoch told them to sit down, he heard that this fire was in the curtains of a box. The witness further testified that he thought at the time of the fire there were axes on the

## Runaway Accident.

Mrs. Jane Stevens, an elderly lady from Bridgewater, and her daughter, Mrs. Foster Sawyer, with an infant child, were thrown from a carriage in Woodstock on Thursday. Mrs. Stevens had a shoulder dislocated, and the younger lady received a cut on her forehead. The child escaped without a bruise.

## State Grange.

The Vermont state grange meets at Windsor Tuesday, December 12th. The master of a grange and his wife, I understand, should attend the grange. Granges cannot send substitutes instead of the master and his wife.

stage labelled "not to be used except in case of a fire." He knew that the "fire door" from the parquette to Flood's alley was open at the time of the fire and that a number of people went out there.

GEORGE M. PRICE.

doorkeeper at the Brooklyn theatre testified to seeing fire dropping from the curtains. As soon as he heard the alarm he threw open the main doors, and the first doors from the parquette to the lobby all swung outward. The centre doors swung both ways. The people all got out of the parquette. The fire doors to Flood's alley were also opened. He went up to the dress circle and found the people piled up on the floor on the first platform called for help. He tried to pull some women out, but they could not be moved. The people could not fall back. The police came in and were finally rescued from the place. The fire marshal then adjourned the examination.

## AN INTERESTING ESCAPE.

A very interesting escape from the flames was that of one of the stage hands, Timothy Owen, who made his way through an underground passage to the coal bank under the pavement, and succeeded in getting beneath the coal hole, where his rappings on the ceiling secured the attention of some bystanders. They saw the cover move, and prying it up pulled out the fortunate fellow and his companion.

## A WIFE'S REMARKS.

The wife of one of the victims of the fire's previous run away with all his money. When she heard of the disaster she came weeping to the morgue, recognized her late husband and begged his body of the coroner with loud lamentations. A sister and brother of the dead man, however, had been before her, they refused to let her go and propose to bury him themselves.

The list of prisoners taken since Monday to the county jail has been carefully prepared under the direction of Sheriff Daggett.

Many persons who have missed their relatives or friends had examined the list, but the list of names was not complete. The list of names was not complete. The list of names was not complete.

## THE PUBLIC FUNERAL.

The public funeral of the unidentified dead will take place on Saturday. Memorial services will be held on Sunday. The second division of the National guard has been ordered as a military escort and will assemble at noon to-morrow on Schermerhorn street. The procession will be in the following order: Police band; clergy in carriage; hearse, escorted by military; relatives and friends; city officials in carriages; citizens. The procession will move at once. The services at the cemetery will consist of prayers, addresses and singing by the choral societies. The bodies will be taken from the two morgues by undertakers engaged without special ceremony and carried, each coffin in a separate vehicle, to the place of assembly on Schermerhorn street, which will be kept free from ordinary travel while the cortege passes. Bodies will be suspended between the hours of one and three. The lot in Greenwood is on the summit of elevation and nearly sixty feet in diameter. The lot is a battle arena near the city hall.

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## The War Report.

Don Cameron makes his report quite brief, and confines it to summing up the statements furnished by his subordinates. The principal points are the cost of maintaining the army, the military depots, etc., during the year; the health and morale of the troops; the condition of the army in savings for the rank and file, and the work done by the civil service corps.

## Searching the Scriptures.

A neighbor found a slip of paper the other day which from the following memorandum, penciled on the sheet, would seem to indicate a noble desire on the part of some German Bible readers to become familiar with leading biblical personages and events, by noting an abstract for the purpose of recollection.

We found it and by the book of Adam (I forgot his name) was the first man. Eve was his wife. On day day got troubled about eating some fruit and was kicked out of the garden. Cain and Able were the first children. Cain got mad and put to death his brother, and den it out. He was von pad boy. Yash was a visherman. Von day he got to the good point to eat his grapes, and he was looking at the grapes and he said "I want to eat your grapes, but you won't let me." He was too stupid to eat his grapes. He was too stupid to eat his grapes. He was too stupid to eat his grapes.

## Weather Predictions for December.

Prof. Dr. announces the following probabilities for December. It will be noticed that the predictions so far have been verified: 1st—Clear and cold. 2nd—Barometer falling, with rain or snow. 3rd—Barometer rising, with rain or snow. 4th—Barometer rising, with rain or snow. 5th—Barometer rising, with rain or snow. 6th—Barometer rising, with rain or snow. 7th—Barometer rising, with rain or snow. 8th—Barometer rising, with rain or snow. 9th—Barometer rising, with rain or snow. 10th—Barometer rising, with rain or snow. 11th—Barometer rising, with rain or snow. 12th—Barometer rising, with rain or snow. 13th—Barometer rising, with rain or snow. 14th—Barometer rising, with rain or snow. 15th—Barometer rising, with rain or snow. 16th—Barometer rising, with rain or snow. 17th—Barometer rising, with rain or snow. 18th—Barometer rising, with rain or snow. 19th—Barometer rising, with rain or snow. 20th—Barometer rising, with rain or snow. 21st—Barometer rising, with rain or snow. 22nd—Barometer rising, with rain or snow. 23rd—Barometer rising, with rain or snow. 24th—Barometer rising, with rain or snow. 25th—Barometer rising, with rain or snow. 26th—Barometer rising, with rain or snow. 27th—Barometer rising, with rain or snow. 28th—Barometer rising, with rain or snow. 29th—Barometer rising, with rain or snow. 30th—Barometer rising, with rain or snow. 31st—Barometer rising, with rain or snow.

## The New Railroad.

The Brattleboro and Whitehall railroad is getting along famously. The engineers have completed their field work, and in a few weeks the results of their labor will be put in proper form for public inspection, with profile maps, estimates, etc., from which an accurate judgment can be formed of the character and cost of the projected road. It is then proposed to have a general meeting of the friends of the enterprise, at some central point, to make a permanent working organization. This can probably take place somewhere about December 30 to 31. The survey having demonstrated the entire feasibility of the enterprise, and the value and importance of the enterprise, and are prepared to give it a hearty and efficient support.

## Addition Co. Patrons of Husbandry.

There was a very large and successful meeting of the Addition county county of the Patrons of Husbandry held in Bridport on Thursday. To the forenoon there was a private meeting of the county grange, at which some important business was transacted. At noon there was a free dinner, provided by the ladies of the place. After dinner there was a public meeting, which was very largely attended by the people of Bridport and the surrounding towns. Colonel John B. Brad of Randolph, chairman of the executive committee of the state grange, made a long and happy address on matters relating to the agricultural interest of Vermont.

Albert Chapman, agricultural editor of the Middlebury Register, read a paper on the state agricultural college at Burlington, in which he said that while an agricultural college could and ought to be made a good thing and an advantage to the state, yet he did not like the manner in which the funds given to the state agricultural college had been disposed of.

## The Poultry Journal.

The Poultry Journal, which for the past three years has been published by H. J. Humphrey, was Friday sold by him, to Barnes Frisbee, who has for some time been his assistant editor, and Geo. J. Hayles, a practical printer, and will hereafter be published by Frisbee & Hayles.

## Attempt to Fire a Jail.

Quite an excitement was raised at Woodstock on Thursday by the discovery of fire in the Windsor county jail. No damage was done further than to smoke up the ceilings and walls, all of which had been lately whitewashed. The fire was made of straw taken from beds in one of the cells, and set by a young fellow from Northampton who was at the jail for burning his clothes. He was caught by the jailer, and placed in a cell, but freed himself in a short time, by using the iron. He is a double-trouble, and will probably do no more damage.

## State Teachers' Association.

The Vermont state teachers' association will hold its annual convention in Bennington on the 1st and 2nd of February. The executive committee meet in Rutland to perfect arrangements for the meeting. The occasion bids fair to be one of unusual interest.

## Bennington County Court.

The December term of the Bennington county court, convened on Tuesday, at Bennington, Hon. H. H. Wheeler, presiding judge, who delivered an able charge to the grand jury, who have been summoned in extra session. The first case tried was Charles Flower vs. Major W. Potter; ejectment. The court directed a verdict for the defendant on questions of law, and the case goes to the expense court. National expense company vs. Potter & Barber. The defendants were agents for the express company at Pownal. It is claimed that the agents exceeded their authority in delivering a package marked C. O. D., and in violation of the rules of the company, thereby rendering themselves liable for the loss. The following is a list of the grand and petit jurors: Arlington—Grand jury, C. B. Vian, Petit jurors, A. K. Bartlett, Seymour Hard. Bennington—Grand jury, S. E. Harris, P. T. Hubbard, Petit jurors, J. D. Spill, Aaron P. Denio, A. J. Mattison, H. Martyn Harwood, Lafayette D. Hamlin. Dorr—Grand jury, A. B. Armstrong, P. T. Charles, Petit jurors, Henry Farwell, S. C. McWain. Landgrove—Grand jury, Austin Penn, Petit jurors, David Davis. Middlebury—Grand jury, Malcolm Canfield, Petit jurors, G. M. G. Burt, G. F. Sweet. Pownal—Grand jury, James L. Haynes, Petit jurors, D. H. Arnold, P. T. Charles, Arnold, Perry Thompson. Read—Grand jury, T. Crozier, Petit jurors, H. W. Mason. Sandgate—Grand jury, J. A. Bush, Petit jurors, Joseph H. Harwood. Shelburne—Grand jury, William James T. Mattison, Petit jurors, E. V. Chase, Pelee Fitz, Elmer Tuckman. Stamford—Grand jury, T. P. Goodrich, Petit jurors, Royal Wilcox. Sunderland—Grand jury, Amos Aldrich, Petit jurors, L. W. Marble. Winhall—Grand jury, Charles B. Williams, Petit jurors, E. W. York. Woodford—Grand jury, Amos Aldrich, Petit jurors, Pelee Fitz, Elmer Tuckman.

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## Searching the Scriptures.

A neighbor found a slip of paper the other day which from the following memorandum, penciled on the sheet, would seem to indicate a noble desire on the part of some German Bible readers to become familiar with leading biblical personages and events, by noting an abstract for the purpose of recollection.

We found it and by the book of Adam (I forgot his name) was the first man. Eve was his wife. On day day got troubled about eating some fruit and was kicked out of the garden. Cain and Able were the first children. Cain got mad and put to death his brother, and den it out. He was von pad boy. Yash was a visherman. Von day he got to the good point to eat his grapes, and he was looking at the grapes and he said "I want to eat your grapes, but you won't let me." He was too stupid to eat his grapes. He was too stupid to eat his grapes. He was too stupid to eat his grapes.

## Weather Predictions for December.

Prof. Dr. announces the following probabilities for December. It will be noticed that the predictions so far have been verified: 1st—Clear and cold. 2nd—Barometer falling, with rain or snow. 3rd—Barometer rising, with rain or snow. 4th—Barometer rising, with rain or snow. 5th—Barometer rising, with rain or snow. 6th—Barometer rising, with rain or snow. 7th—Barometer rising, with rain or snow. 8th—Barometer rising, with rain or snow. 9th—Barometer rising, with rain or snow. 10th—Barometer rising, with rain or snow. 11th—Barometer rising, with rain or snow. 12th—Barometer rising, with rain or snow. 13th—Barometer rising, with rain or snow. 14th—Barometer rising, with rain or snow. 15th—Barometer rising, with rain or snow. 16th—Barometer rising, with rain or snow. 17th—Barometer rising, with rain or snow. 18th—Barometer rising, with rain or snow. 19th—Barometer rising, with rain or snow. 20th—Barometer rising, with rain or snow. 21st—Barometer rising, with rain or snow. 22nd—Barometer rising, with rain or snow. 23rd—Barometer rising, with rain or snow. 24th—Barometer rising, with rain or snow. 25th—Barometer rising, with rain or snow. 26th—Barometer rising, with rain or snow. 27th—Barometer rising, with rain or snow. 28th—Barometer rising, with rain or snow. 29th—Barometer rising, with rain or snow. 30th—Barometer rising, with rain or snow. 31st—Barometer rising, with rain or snow.

## The New Railroad.

The Brattleboro and Whitehall railroad is getting along famously. The engineers have completed their field work, and in a few weeks the results of their labor will be put in proper form for public inspection, with profile maps, estimates, etc., from which an accurate judgment can be formed of the character and cost of the projected road. It is then proposed to have a general meeting of the friends of the enterprise, at some central point, to make a permanent working organization. This can probably take place somewhere about December 30 to 31. The survey having demonstrated the entire feasibility of the enterprise, and the value and importance of the enterprise, and are prepared to give it a hearty and efficient support.

## Addition Co. Patrons of Husbandry.